

### Wetlands Impacts

All environmental studies involving construction in wetlands shall include sufficient information to describe impacts to the wetlands and to allow evaluation of alternatives which would avoid and/or mitigate these impacts.

The environmental documents should contain the following information:

1. Include detailed map(s) of the study area showing wetland areas and the proximity of the project alternatives to the wetlands.

1. The Supreme Court's 2001 decision on isolated wetlands, commonly referred to as the SWANCC decision, stated that the Corps cannot legally assert jurisdiction over isolated wetlands. This creates two classifications of wetlands that must be discussed in the environmental document: jurisdictional wetlands and isolated wetlands. Both types should be identified by using the Army Corps of Engineers Wetlands Delineation Manual, January 1987 (Tec. Report Y-87-1). The "Classification of Wetlands and Deepwater Habitat of the United States", U. S. Department of Interior, Fish and Wildlife Service, December 1979, should be used to classify and to describe wetland areas. Both wetland types are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Jurisdictional wetlands differ from isolated wetlands in that they are also "waters of the United States." If a wetland is an intrastate, non-navigable isolated water whose only tie to interstate commerce is the use of the waters by migratory birds, it is classified as an "isolated wetland."

The environmental document needs to provide acreage of impact to jurisdictional and isolated wetlands. INDOT has entered into a verbal agreement with the Indiana Department of Environmental Management (IDEM) to treat both wetland types equally in terms of mitigation. At this time, this is only applicable to INDOT projects. Consultants for local projects will need to contact IDEM to determine whether or not an impact to isolated wetlands will require a permit.

3. Identify the quality and importance of the wetlands. The analysis should consider such factors as: the primary functions of the wetlands (e.g., flood control, wildlife habitat, ground water recharge, etc.), the relative importance of these functions to the total wetland resources of the area, and unique wetland attributes that may contribute to the wetlands importance.
4. Specify the wetlands acreage existing in the study area and its relationship to the total wetland acreage in the Region and State. Some portions of the State have been mapped for wetlands. These National Wetland Inventory (NWI) maps, prepared by the U. S. Fish and Wildlife Service, are available for viewing at any local NRCS office. The maps may also be ordered by calling 1-800-USA-MAPS or contacting the Indiana Division of

Natural Resources, Map Sales Division at (317)232-4180. Also, Maps can be downloaded from the NWI website ([www.nwi.fws.gov](http://www.nwi.fws.gov)). These maps have been prepared largely by air photo interpretation. Field checking is highly recommended.

5. Indicate the steps taken to insure that all alternatives that would eliminate or minimize harm to the wetland have been considered and adequately studied.
6. Describe the impacts each alternative is anticipated to have on the wetlands. Specify how much wetland acreage will be used and/or modified (specify modification) by each project alternative. For the no-build alternative, specify if (and how much of) the wetland is expected to be converted to other uses (i.e. urban expansion) even if this project is not implemented. For the build alternatives, include secondary impacts to the wetland resulting from the project (i.e., impacts to fish and wildlife).
7. In determining the wetland impact, the analysis should show the project's effect on the stability and quality of the wetland(s). This analysis should consider the short and long-term effects on the wetlands and the importance of any loss such as: (1) flood control capacity, (2) shore line anchorage potential, (3) water pollution abatement capacity, and (4) fish and wildlife habitat value. The methodology developed by FHWA and described in reports number FHWA-IP-82-23 and FHWA IP-82-24, "A Method for Wetland Functional Assessment Volumes I and II," is recommended for use in conducting this analysis.
8. For each use and/or modification of the wetland by the alternates, specify what mitigation measures are proposed to minimize or eliminate the modification (i.e., erosion control methods, revegetation recommendations, maintenance of existing drainageways, etc.). All practical measures available should be included. If measures suggested by DNR, USFWS, USEPA, COE, etc. are not considered practical, the document should outline the reasons supporting this conclusion. Any reliance on benefit/cost ratios should take into account the fact that current monetary evaluation of wetlands do not necessarily equate to their local, state, or national interest and values. Mitigation measures, which should be considered, include preservation and improvement of existing wetlands and creation of new wetlands (consistent with 23 CFR 771).
9. If the preferred alternative impacts wetlands, the document should discuss the methodology used in determining that the proposed action includes all practicable measures to minimize harm to wetlands. The following statement should also be included in the study: "Based upon the above considerations, it has been determined that there is no practicable alternative to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use."
10. The preservation of wetlands, as well as the improvement of highway transportation, are goals of local, state, and national significance. Specify how the unavoidable and unmitigable uses/modifications of the wetlands can be justified as part of implementing the proposed project. Discuss whether the transportation facility or wetland productivity,

should prevail in the area where use/modification of the wetland is proposed and explain why.

11. For FONSI's and full EIS's to be in compliance with Executive Order 11990, Protection of Wetlands, the environmental document must show (1) there will be no practicable alternative to the proposed construction in wetlands, and (2) the proposed project will include all practicable measures to minimize harm to the involved wetlands which may result from such use. Based on this information, the FHWA will prepare the Wetlands Finding for inclusion in said documents. The title sheet of the final EIS will reflect that the action complies with this Executive Order. The index should indicate where the finding can be located. The text will include the finding as prepared by the FHWA. The finding should be included in a separate sub-section entitled "Only Practicable Alternative Finding." Approval of the final EIS will document compliance with the Executive Order 11990 requirements.